

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

VS.

HAWAIIAN EXPRESS SERVICE,
INC., et al.,

Defendants.

) CIVIL NO. CV03-00385 SOM-LEK
) (Copyright)

) **DECLARATION OF DAMIAN**
) **CAPOZZOLA IN SUPPORT OF**
) **DEFENDANT PCT'S TRIAL BRIEF**

) Judge: Hon. Susan O. Mollway
) Trial Date: January 24, 2006

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I, DAMIAN D. CAPOZZOLA, declare that:

1. I am an attorney at the law firm of KIRKLAND & ELLIS, LLP, attorneys for Defendant PCT and am duly authorized to make this affidavit.
2. I am licensed to practice law in the State of California and have been admitted pro hac vice in this case. I know the following to be true through my work in this case, and if requested could and would competently testify as such.
3. Exhibit A contains a true and correct copy of a letter from Timothy Hogan to Robert Carson Godbey dated December 18, 2002.
4. Exhibit B contains a true and correct copy of the jury verdict dated March 6, 2003.
5. Exhibit C contains a true and correct copy of the December 28, 2004 order on attorney's fees from Judge King concerning the prepetition trial.

So sworn under penalty of perjury under the laws of the United States of America in Los Angeles, California, on January 10, 2006.



Damian D. Capozzola